

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 5:22-CR-00327-XR

FREDI ZAGALA-SERVIN (3),

Defendant.

AGREED FACTUAL BASIS

In support of Fredi Zagala-Servin's plea of guilty to the offense(s) in Count One of the First Superseding Indictment, Fredi Zagala-Servin, the Defendant, Joey Contreras, the Defendant's attorney, and the United States of America stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Superseding Information, charging a violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I) & (B)(i), Conspiracy to Transport Illegal Aliens, the government must prove each of the following elements beyond a reasonable doubt:¹

- First:* That the defendant and at least one other person agreed to commit the crime of unlawfully transporting aliens, as charged in the superseding indictment;
- Second:* That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose;
- Third:* That at least one of the conspirators during the existence of the conspiracy knowingly committed some act in furtherance of the conspiracy;

¹ See Pattern Crim. Jury Instr. 5th Cir. 2.01B, 2.15A (52019).

- Fourth:** That an alien had entered or remained in the United States in violation of the law;
- Fifth:** That the defendant knew or recklessly disregarded the fact that the alien was in the United States in violation of the law; and
- Sixth:** That the defendant transported the alien within the United States with intent to further the alien's unlawful presence.

STIPULATED FACTS

Beginning in May of 2021, HSI San Antonio began investigating the criminal activity of a human smuggling organization (HSO) that smuggled hundreds of aliens from Laredo to San Antonio inside tractor trailers. HSI was able to link at least nineteen (19) human smuggling events involving the actual apprehension of over nine hundred (900) aliens to this HSO. The HSO would transport aliens from Mexico (although some of the aliens initially travelled from other countries farther south) to Laredo, where they would be kept in stash houses before being transported to San Antonio in tractor trailers. The loads ranged from approximately 30 aliens to more than 100 aliens travelling in a single trailer. The drivers of the tractor trailers were paid between \$500 and \$5,000 for each of these loads, while a coordinator higher up the chain was paid more per load, typically \$4,000 to \$8,000, with additional bonuses paid for loads over forty (40) aliens. Defendant Fredi ZAGALA-SERVIN is a long-time leader/organizer of alien smuggling who was responsible for communicating directly with co-defendants to coordinate the further transport of aliens that arrived in Laredo from Mexico. ZAGALA-SERVIN would speak with a co-conspirator in Mexico and then provide Adamson with pick-up locations for the drivers to load aliens into the tractor trailers in Laredo. ZAGALA-SERVIN would then monitor the load throughout the event and communicate updates and instructions between the parties. ZAGALA-SERVIN was involved in the coordination of at least ten alien smuggling events for the HSO, for financial gain, including:

On May 6, 2021, SAPD received 911 calls regarding a tractor trailer that was in transit with individuals sticking their hands out of a small door in the trailer. The area surrounding the opening had been ripped apart by the individuals inside the trailer in their attempts to escape. Forty-one (41) aliens were apprehended, including one who was transported to the hospital displaying symptoms of dehydration. Two of the aliens were unaccompanied minors. One of the aliens told HSI that he was positioned by the trailer doors and observed several people inside having trouble breathing. The aliens stated there had been over one hundred (100) people in the trailer and the temperature inside the trailer was high due to the number of bodies, causing them to fear for their lives. When officers arrived, they observed that several of the aliens appeared to be disoriented and were asking for water. ZAGALA-SERVIN was responsible for communicating and liaising between Adamson and another principal throughout the event. He would transmit locations to be communicated to the driver and would generally provide frequent updates between the parties as the operation progressed. That day, for instance, ZAGALA-SERVIN communicated with Adamson and another co-conspirator more than fifty times each.

On June 29, 2021, DPS interdicted a tractor trailer carrying twenty-six (26) aliens near mile marker 52 on I-35 in LaSalle County. The driver admitted to picking up between seventy-five (75)

and eighty (80) aliens in Laredo and smuggling them through the North BP immigration checkpoint. He noticed the AC for the trailer wasn't working, so he stopped to fix it and approximately fifty (50) aliens jumped out and absconded. The driver admitted to successfully smuggling seventy-seven (77) aliens two Fridays prior after loading up at the same location and same trailer.

On July 23, 2021, HSI apprehended a tractor trailer attempting to smuggle eighty-seven (87) aliens inside the tractor trailer at the Laredo immigration checkpoint. The driver admitted he came to Laredo to pick up aliens for the HSO and admitted he had successfully smuggled aliens from Laredo to San Antonio the prior week.

On August 6, 2021: HSI SAs learned after the fact that a human smuggling event had taken place on this date, because the event was captured on surveillance cameras and broadcasted on local media outlets and social media platforms. The footage showed a red tractor trailer loading a large number of suspected aliens in Laredo.

On August 26, 2021, Border Patrol agents arrested a driver driving a red tractor trailer with sixty-nine (69) aliens inside at the immigration checkpoint in Laredo. The tractor trailer was identified as the same tractor trailer seen on video on August 6, 2021. When the tractor trailer was intercepted at the checkpoint, the aliens were found locked inside with no means of escape. The lock had to be cut by Border Patrol agents in order to open the doors and the driver was later found to have possession of the key to that lock on his body.

On October 15, 2021, the HSO abandoned a tractor trailer with aliens in Devine. The trailer was abandoned a short time later and law enforcement responded quickly. Border Patrol took thirty (30) aliens into custody from the abandoned tractor trailer, including an unaccompanied juvenile.

On October 29, 2021, Border Patrol intercepted a tractor trailer working for the HSO attempting to smuggle twenty-seven (27) aliens through the immigration checkpoint in Laredo.

November 27, 2021 around 7:30 a.m., Border Patrol intercepted a driver for the HSO attempting to smuggle forty-five (45) aliens inside a tractor trailer at the immigration checkpoint. Two of the aliens were unaccompanied minors. The driver also admitted that he smuggled a group of aliens for the HSO on October 15, 2021. He stated that he abandoned the tractor trailer he was driving because it broke down.

Beginning on April 13, 2022, agents intercepted communications between ZAGALA-SERVIN and other co-conspirators over a court-authorized wire discussing a human smuggling event that was to happen in the near future. During the calls, ZAGALA-SERVIN was involved in discussions including: the number of potential aliens being transported, obtaining a tractor trailer for the event, how the driver would be paid and how much, how the tractor trailer would be obtained, including a possible purchase, the transfer/delivery of money to other parties involved in the smuggling operation, obtaining the fake decals for the outside of the tractor trailer, the precise timing of the load, and whether the refrigeration in the truck was working. ZAGALA-SERVIN was also responsible for transmitting the location of the tractor trailer to other conspirators for pick-up, as well as transmitting the address where the aliens could be picked up

in Laredo from one co-conspirator to the other co-conspirators. Throughout the intercepted calls, ZAGALA-SERVIN is involved in every detail of the operation, including instructing co-conspirators when to leave, when to cross the checkpoint, and how to set the refrigeration on the trailer. At one point, when ZAGALA-SERVIN complained he did not have direct contact with the driver, he was reassured that everything he instructed would be done by the driver. ZAGALA-SERVIN engaged in dozens of calls with co-conspirators throughout the operation and was notified immediately when the load was apprehended by Border Patrol at the checkpoint. On April 15, 2022, a total of seventy-eight (78) aliens were found concealed in the trailer, two of which were unaccompanied juveniles. The trailer's internal temperature at the time of discovery was documented as 45.8 degrees and BP advised the temperature was set at zero degrees.

Beginning on April 27, 2022, ZAGALA-SERVIN and other co-conspirators began discussing another human smuggling operation over the wire. As in the previous operation, ZAGALA-SERVIN was involved in all aspects of the planning and implementation of the operation. There were numerous discussions of payments for gas, drivers, the truck, and hotels, ranging from \$1,500 to \$2,000 (including an additional \$2,000 for the owner of the truck). ZAGALA-SERVIN's co-conspirator in Mexico also told him he would pay "eight per head," meaning \$8,000 per person. The same co-conspirator discussed giving ZAGALA-SERVIN \$11,000 when the truck arrives in San Antonio. ZAGALA-SERVIN kept in touch throughout the operation, directing different parties, including transmitting the pick-up location, directing the truck be filled up with gas, and directing other parties to make sure the refrigeration is running. On April 28, 2022, the load was intercepted by HSI and Border Patrol at the immigration checkpoint with thirty-six (36) aliens inside the trailer. The temperature inside the trailer was documented by BP at 38 degrees. Following the interdiction, ZAGALA-SERVIN advised a co-conspirator that the conspirator should change his phone number to avoid detection.

FREDI ZAGALA-SERVIN admits that, beginning on May 6, 2021 through on or about June 23, 2022, in the Western District of Texas, he did knowingly and intentionally combine, conspire, confederate and agree with others, known and unknown, to transport and move, and attempt to transport and move, by means of transportation or otherwise, aliens who entered and remained in the United States in violation of law, knowing and in reckless disregard of the fact that said aliens came to, entered, and remained in the United States in violation of law, and in furtherance of such violation of law, for the purpose of financial gain, in violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I)/(B)(i).

The Defendant agrees that the Defendant committed all the essential elements of the offense(s). This agreed factual basis is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the Defendant's guilty plea to Count One of the Superseding Indictment.

[Nothing further on this page.]

AGREED TO AND STIPULATED BY ALL PARTIES:

DATE: 10/16, 20 23

By: Amanda C. Brown
AMANDA C. BROWN
Assistant United States Attorney

DATE: 10-16, 2023

Joey Contreras
JOEY CONTRERAS
Attorney for Defendant

DATE: 10 - 16, 2023

Fredi Zagala-Servin
FREDI ZAGALA-SERVIN
Defendant